

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers, (2) any transcript order form, and (3) any CJA 24 authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

Appeal No. & Caption	14-4354 US v. Nestor Guerra-Telon
Originating No. & Caption	6:13-cr-00631-HMH-5 USA v. Nestor Guerra-Telon
District Court & Judge	District of South Carolina; The Honorable Henry M. Herlong, Jr

Jurisdiction (answer any that apply)		
Date of entry of order/judgment appealed from	04/15/2014	
Date this notice of appeal filed	04/29/2014	
If cross appeal, date first notice of appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached. CJA counsel must attach copy of the CJA 24 with the transcript order.).

Trial Date(s):	November 18 and 18, 2014	<input type="radio"/> On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed
Plea Date:		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed
Sentence Date:	April 15, 2014	<input type="radio"/> On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed
Other Date(s):		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed

Case Handling Requirements (answer any that apply)

Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

Failure to give good character charge at trial;
 Improper calculation of drug weight at sentencing;
 Failure to give credit for minimal role at sentencing;
 Improper imposition of obstruction of justice reduction at sentencing.

Appellant's Name & Address	Counsel's Name & Address
Name: Nestor Guerra-Telon Address:	Name: Ralph Gleaton Address: 935 S. Main Street, Suite 203 Greenville, SC 29601
E-Mail:	E-Mail: ralph@gwhlawfirm.com
Phone:	Phone: 864-250-9780

Signature: /s/Ralph Gleaton **Date:** 06/06/2014

Counsel for: Nestor Guerra-Telon

Certificate of Service: I certify that on 06/06/2014 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Signature: <u>/s/Ralph Gleaton</u>	Date: <u>06/06/2014</u>



Gleaton Wyatt & Hewitt, P.A.
attorneys for business

The Field House at West End
935 South Main Street, Suite 203
Greenville, SC, 29601 USA
Phone: (864) 250-9780
Fax: (864) 250-9784
www.gwhlawfirm.com

June 6, 2014

Ms. Judi Johnson
U.S. District Court Reporter
300 East Washington Street
Greenville, SC 29601

Re: Nestor Guerra-Telon
6:13-cr-00631-HMH-5-CRI
4th Circuit #: 14-4354

Dear Ms. Johnson:

Enclosed are the Transcript Order Form and CJA24 in the Nestor Guerra-Telon case. Please let me know what additional information you need to proceed with the transcript order request.

Thank you for your assistance in this matter.

CORDIALLY YOURS,

A handwritten signature in black ink, appearing to read "Ralph Gleaton".

RALPH GLEATON

RG:plh
cc: USDC

FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style United States of America v. Nestor Guerra-Telon
 Dist. Ct. No. 6:13-cr-00631-HMH-5-CRI District South Carolina
 Date Notice of Appeal filed 04/29/14 Court of Appeals No. 14-4354
 Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Judi Johnson, RMR, RPR, CRR
 Address of Reporter 300 East Washington St., Room 303, Greenville, SC 29601

Appellant must order any necessary transcript, completing a separate transcript order form (and separate CJA 24 Form) for each reporter and submitting the order to the court reporter and the district court within 14 days of noting the appeal. The completed form must show that necessary financial arrangements have been made or that the original CJA 24 Form has been submitted to the district court clerk. Copies of the transcript order form must be attached to the docketing statement filed in the Court of Appeals and served on opposing counsel within 14 days of docketing of the appeal, or the appeal will be subject to dismissal pursuant to Local Rule 45. If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so. In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered. If appellee wishes to obtain a copy of transcript ordered by appellant, appellee must order a copy from the court reporter. In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates. Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).

- A. This constitutes an order of the transcript of the following proceedings. Check appropriate box(es), provide date of hearing, and indicate total number of estimated pages. Failure to specify in adequate detail the proceedings to be transcribed is grounds for dismissal. Specific authorization is required under the CJA for opening and closing statements, voir dire, or jury instructions.

PROCEEDING

HEARING DATE(S)

<input type="checkbox"/> Voir Dire	<u>November 18, 2013</u>
<input checked="" type="checkbox"/> Opening Statement (Plaintiff)	<u>November 18, 2013</u>
<input checked="" type="checkbox"/> Opening Statement (Defendant)	<u>November 19, 2013</u>
<input checked="" type="checkbox"/> Closing Argument (Plaintiff)	<u>November 19, 2013</u>
<input checked="" type="checkbox"/> Closing Argument (Defendant)	<u>November 19, 2013</u>
<input checked="" type="checkbox"/> Opinion of Court	<u>November 19, 2013</u>
<input checked="" type="checkbox"/> Jury Instructions	<u>November 19, 2013</u>
<input type="checkbox"/> Sentencing	
<input type="checkbox"/> Bail Hearing	
<input type="checkbox"/> Pre-Trial Proceedings (specify)	
 <input checked="" type="checkbox"/> Testimony (specify) <u>All</u>	<u>November 18-19, 2013</u>
<input type="checkbox"/> Other (specify)	

TOTAL ESTIMATED PAGES 200

- B. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made.
- Private funds. (Deposit of \$ _____ enclosed with court reporter's copy. Check No. _____.)
- Criminal Justice Act. The original CJA 24 Form has been submitted to the district court clerk and a copy is attached.
- Government expense (civil case--IFP). Motion for transcript at government expense is pending with district judge.
- Advance payment waived by court reporter. Payment in full is due upon receipt of transcript.
- Federal Public Defender - no CJA 24 Form necessary.
- United States appeal - copy of litigation expense form attached, if applicable.

Signature /s/ Ralph Gleaton Typed name Ralph Gleaton
 Address 935 S. Main St., Suite 203, Greenville, SC 29601
 Email ralph@pgwhlaw.com Telephone No. (864) 250-9780
 Date Sent to Reporter 06/06/14

SCJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./ DIV. CODE SCX	2. PERSON REPRESENTED GUERRA-TELON, NESTOR	VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER 6:13-0000631-HMH-5	5. APPEALS DKT./DEF. NUMBER 14-4354	6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF (Case Name) USA v. Nestor Guerra-Telon	8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	10. REPRESENTATION TYPE (See Instructions) Criminal Case

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense.

21:864, 841A-CD.F - Controlled Substance - Sell, Distribute or Dispense

REQUEST AND AUTHORIZATION FOR TRANSCRIPT

12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly)

Appeal

13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Attach statement showing specific need.

Trial transcript (including opening statements, closing arguments, opinion of court, jury instructions and all testimony)

14. SPECIAL AUTHORIZATIONS	JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)	
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited	
C. <input checked="" type="checkbox"/> Prosecution Opening Statement <input checked="" type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input checked="" type="checkbox"/> Defense Opening Statement <input checked="" type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input checked="" type="checkbox"/> Jury Instructions	
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.	

15. ATTORNEY'S STATEMENT

As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.

06/06/2014

Signature of Attorney

Date

Ralph Gleaton

Printed Name Telephone Number: (864) 250-9780
 Panel Attorney Retained Attorney Pro-Se Legal Organization

16. COURT ORDER

Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted.

Signature of Presiding Judge or By Order of the Court

Date of Order

Nunc Pro Tunc Date

CLAIM FOR SERVICES

17. COURT REPORTER/TRANSCRIBER STATUS

Official Contract Transcriber Other

19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE

18. PAYEE'S NAME AND MAILING ADDRESS

Telephone Number: _____

20. TRANSCRIPT

INCLUDE PAGE NUMBERS

NO. OF PAGES

RATE PER PAGE

SUB-TOTAL

LESS AMOUNT APPORTIONED

TOTAL

Original

Copy

Expense (Itemize)

TOTAL AMOUNT CLAIMED: _____

21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED

I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.

Signature of Claimant/Payee _____

Date _____

ATTORNEY CERTIFICATION

22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received.

Signature of Attorney or Clerk _____

Date _____

APPROVED FOR PAYMENT — COURT USE ONLY

23. APPROVED FOR PAYMENT

24. AMOUNT APPROVED

Signature of Judge or Clerk of Court _____

Date _____



Gleaton Wyatt & Hewitt, P.A.
attorneys for business

The Field House at West End
935 South Main Street, Suite 203
Greenville, SC, 29601 USA
Phone: (864) 250-9780
Fax: (864) 250-9784
www.gwhlawfirm.com

June 6, 2014

Ms. Karen Martin
U.S. District Court Reporter
300 East Washington Street
Greenville, SC 29601

Re: Nestor Guerra-Telon
6:13-cr-00631-HMH-5-CRI
4th Circuit #: 14-4354

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CORDIALLY YOURS,

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RALPH GLEATON

RG:plh
cc: USDC

FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style United States of America v. Nestor Guerra-Telon
 Dist. Ct. No. 6:13-cr-00631-HMH-5-CRI District South Carolina
 Date Notice of Appeal filed 04/29/14 Court of Appeals No. 14-4354
 Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Karen Martin, RMR, RPR, CRR
 Address of Reporter 300 East Washington St., Room 303, Greenville, SC 29601

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- Voir Dire
- Opening Statement (Plaintiff)
- Opening Statement (Defendant)
- Closing Argument (Plaintiff)
- Closing Argument (Defendant)
- Opinion of Court
- Jury Instructions
- Sentencing
- Bail Hearing
- Pre-Trial Proceedings (specify)

- Testimony (specify)

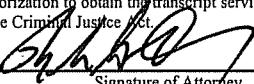
- Other (specify)

April 15, 2014TOTAL ESTIMATED PAGES 10

- B. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made.
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Signature /s/ Ralph GleatonTyped name Ralph GleatonAddress 935 S. Main St., Suite 203, Greenville, SC 29601Email ralph@pgwhlaw.comTelephone No. (864) 250-9780Date Sent to Reporter 06/06/14

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13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Attach statement showing specific need. Sentencing						
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A. Apportioned Cost % of transcript with (Give case name and defendant)						
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited						
C. <input checked="" type="checkbox"/> Prosecution Opening Statement <input checked="" type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input checked="" type="checkbox"/> Defense Opening Statement <input checked="" type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input checked="" type="checkbox"/> Jury Instructions						
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.						
15. ATTORNEY'S STATEMENT				16. COURT ORDER		
<p>As the attorney for the person represented who is named above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act.</p>  Signature of Attorney _____ Date 06/06/2014 Ralph Gleaton Printed Name _____ Telephone Number: (864) 250-9780 <input checked="" type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization				Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. _____ Signature of Presiding Judge or By Order of the Court _____ Date of Order _____ Nunc Pro Tunc Date _____		
CLAIM FOR SERVICES						
17. COURT REPORTER/TRANSCRIBER STATUS				18. PAYEE'S NAME AND MAILING ADDRESS		
<input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other						
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE				Telephone Number: _____		
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED
Original						
Copy						
Expense (Itemize)						
TOTAL AMOUNT CLAIMED: _____						
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED						
I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.						
Signature of Claimant/Payee _____				Date _____		
ATTORNEY CERTIFICATION						
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received.						
Signature of Attorney or Clerk _____				Date _____		
APPROVED FOR PAYMENT — COURT USE ONLY						
23. APPROVED FOR PAYMENT				24. AMOUNT APPROVED		
Signature of Judge or Clerk of Court _____				Date _____		